

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

William Roman,)	
)	C/A No.: 8:05-2806-MBS
Petitioner,)	
)	
vs.)	
)	
John LaManna, Warden, FCI-Edgefield;)	O R D E R
Harley G. Lappin, in his official capacity)	
as Director of the Bureau of Prisons,)	
)	
Respondents.)	
)	

Plaintiff William Roman is a federal inmate in custody of the Bureau of Prisons. He is housed at Edgefield Correctional Institution in Edgefield, South Carolina. Petitioner, through counsel, brings this action pursuant to 28 U.S.C. § 2241, challenging Respondent Bureau of Prisons' refusal to place him in a shock incarceration program.

This matter is before the court on Respondents' motion to dismiss or, in the alternative, for summary judgment, which motion was filed on November 23, 2005. Petitioner, through counsel, filed a response in opposition to Respondents' motion on February 17, 2006, to which Respondents filed a reply on February 28, 2006. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Bruce H. Hendricks for pretrial handling. On July 24, 2006, the Magistrate Judge filed a Report of Magistrate Judge in which she noted that the parties had submitted, and she had considered, matters outside the record, so that Respondents' motion had been treated as one for summary judgment. The Magistrate Judge thereafter recommended that Respondents' motion for summary judgment be granted. Petitioner filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report of Magistrate Judge and incorporates it herein by reference. Respondents' motion for summary judgment (Entry 7) is **granted** and the petition dismissed.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

August 15, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.